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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,049	05/23/2005	William Shane Carter	043153-9099-00	2715
23409 7590 10/11/2007 MICHAEL BEST & FRIEDRICH LLP 100 E WISCONSIN AVENUE Suite 3300 MILWAUKEE, WI 53202			EXAMINER RESTIFO, JEFFREY J	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 10/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,049	Applicant(s) CARTER, WILLIAM SHANE	
	Examiner Jeffrey J. Restifo	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/11/-7.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 4-8, 13-15 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-12, 16, 17, 19-39, 41 and 42 is/are rejected.
- 7) ☒ Claim(s) 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 4-8, 13-15, and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species A, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/11/07.

Claim Objections

2. Claims 11, 21, 23, 26, 30, 33, and 40 are objected to because of the following informalities: These claims recite the words "similar" and/or "preferably", which are indefinite and should be removed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 9, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Garrett (US 5,375,294 A).

Garrett discloses a wheel arrangement comprising fixed member 10 and moveable (or operating) member 24 with wheel 22 and a pair of supports 48, and reinforcing members 28, 58, wherein said castor can be deployed to a use position and

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swivel about the first and second supports by means of bearings (conventional), as shown in figures 1-6.

5. Claims 2, 23-25, 30, and 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Cousins (US 1,711,723 A).

Cousins discloses a wheel comprising a fixed member (or cover) 10 with a first and second pathways (or races or tracks) formed by circular flanged apertures (or ring) 15 for travel means or roller bearings 20, 47 for allowing mounting member 150 to swivel about vertical axis, said mounting member having side arms 31 with holes for tubular member or axle 33 for supporting wheel 32, as shown in figures 1-3.

6. Claims 41 and 42 are rejected under 35 U.S.C. 102(e) as being anticipated by Carter (US 6,619,620 B1).

Carter discloses a hoist 1 with four retractable castors each with wheel carrying member 32, a reinforcing member 34, and an operating member 38 able to move the wheel member down to support hoist, as shown in figures 1-15.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 10, 11, 27-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett, as applied to claim 1 above, and further in view of Cousins (US 1,711,723 A).

Garrett does not disclose roller bearings. Cousins does disclose a pair of roller bearing sets 41, 47, for allowing a castor to swivel about a vertical axis, as shown in figures 1-3. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the castor of Garrett with the roller bearings of Cousins in order to allow low friction swivel motion of the castor.

9. Claims 16, 17, 19-22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cousins, as applied to claim 2 above, and further in view of Schultz, Jr. (US 3,166,780 A).

Cousins does not disclose a U-shaped yoke with deck and side arms. Schultz, Jr. does disclose a castor with U-shaped yoke 28 with deck 32 and side arms 30, as shown in figures 1-6. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the castor of Cousins with the yoke of Schultz, Jr. in order to protect the wheel from damage.

Allowable Subject Matter

10. Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

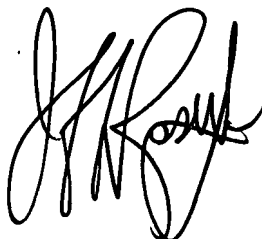
11. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Restifo whose telephone number is (571) 272-6697. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey J Restifo
Primary Examiner
Art Unit 3618